

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and
THEFACEBOOK, INC.,

Defendants.

CIVIL ACTION NO. 1:04-cv-11923
(DPW)

District Judge Douglas P.
Woodlock

Magistrate Judge Robert B.
Collings

MARK ZUCKERBERG and
THEFACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**PLAINTIFF'S MOTION TO COMPEL ANSWERS
TO INTERROGATORY NOS. 6, 9-14, 16, AND 18**

For the reasons fully set forth in the accompanying memorandum, Plaintiff hereby moves for an order compelling Defendants to provide complete answers to the following interrogatories:

1. Interrogatory No. 6 (identify and provide details regarding false and defamatory representations alleged in paragraphs 18, 22, 26, 27, 31, 32, 33, 34, 37, 42, 47, 48, and 51 of Defendant's counterclaims);
2. Interrogatory No. 9 (identify investors and other information with respect to Thefacebook, Inc. and/or thefacebook.com website);
3. Interrogatory No. 10 (identify developers, owners, and other information with respect to Thefacebook, Inc. and/or thefacebook.com website);
4. Interrogatory No. 11 (identify universities, colleges, and other schools at which thefacebook.com is available or operational, on a monthly basis from August 2003 to the date of Defendants' response);
5. Interrogatory No. 12 (identify number of persons registered to use thefacebook.com website, in total and broken out by university, on a daily basis from August 2003 to the date of Defendants' response);
6. Interrogatory No. 13 (identify number of hits per day to thefacebook.com website by the same users, in total and broken out by university, from August 2003 to the date of Defendants' response);
7. Interrogatory No. 14 (identify number of hits per day to thefacebook.com website by the same users, in total and broken out by university, from August 2003 to the date of Defendants' response);
8. Interrogatory No. 16 (identify the monetary value of Thefacebook, Inc. and thefacebook.com website); and
9. Interrogatory No. 18 (describe the factual basis for each of Defendants' affirmative defenses).

CERTIFICATION UNDER L.R. 7.1(A)(2) and 37.1(B)

Plaintiff's counsel hereby certifies under L.R. 7.1(A)(2) and 37.1(B) that counsel for the parties conferred in good faith by telephone discovery conference on August 22, 2005, but were unable to resolve the issues covered by this motion. Defendants Thefacebook, Inc., Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, and Christopher Hughes were represented during the conference by Monte Cooper and Joshua Walker of the Orrick, Herrington law firm, Defendant Eduardo Saverin was represented by Bhanu Sadasivan of the Heller Ehrman law firm, and Plaintiff was represented by John Hornick and Troy Grabow of the Finnegan law firm.

The parties discussed and were able to reach agreement on Interrogatory Nos. 1, 2, 3, 4, 7, 8, and 15, which Defendants agreed to supplement. Defendants refused to supplement their responses to Interrogatories No. 6, 9-14, 16¹, 17, and 18.

REQUEST FOR ORAL ARGUMENT

Plaintiff believes oral argument may assist the Court, and wishes to be heard on these issues.

PROPOSED ORDER

A proposed Order is submitted with this motion as Exhibit A.

DATED: August 30, 2005

/s/ Troy E. Grabow
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¹ With respect to Interrogatory No. 16, Defendants refused to supplement their May 31, 2005 response unless Plaintiff defined the term "monetary value." See the attached memorandum for further details.

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